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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,413	10/24/2003	Paul J. Marganski	ATMI-656	2078
25559	7590	06/07/2005	EXAMINER	
ATMI, INC. 7 COMMERCE DRIVE DANBURY, CT 06810			SPITZER, ROBERT H	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/693,413

Applicant(s)

MARGANSKI ET AL.

Examiner

Robert H. Spitzer

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 25-27 is/are allowed.
- 6) ☒ Claim(s) 15-24 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/3/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Claims 1-14 and 25-27 are allowed.
2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim is indefinite because there is no direct antecedent basis for the recitation of "the failure element" in claim 25, as such "failure element" was first recited in claim 27. Thus, claim 28 should be amended to depend from claim 27.
4. Claim 28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
  
A person shall be entitled to a patent unless –  
  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
6. Claims 15 and 17-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the portable dry scrubbing system for gases of Sexton (4,790,860).
7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sexton (4,790,860) in view of Suri et al. (5,611,923). The claim differs from the dry scrubber system of Sexton ('860) in the connections to the feed and discharge pipes being by "quick connections". Suri et al. ('923) show the use of "quick connections" for an inlet and an outlet of a filter device. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use "quick connections" for connecting the gas pipes to the dry scrubber of Sexton ('860), in view of the showing of Suri et al. ('923), so that the device can be quickly connected and disconnected from the feed gas stream.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sexton (4,790,860) in view of Stull et al. (4,272,480). The claim differs from the dry scrubber system of Sexton ('860) in the use of a viewport having a colorimetric indicator to tell when the material within the dry scrubber is depleted. Stull et al. ('480) show viewport "12" that has a colorimetric element "13" thereon to show a color change indicative of breakthrough of a contaminant. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the dry scrubber device of Sexton ('860) with a colorimetric indicator element and a view port to view same in order to tell when the material of the dry scrubber is not removing a component of the feed gas stream anymore (is depleted), in view of the showing of such use by Stull et al. ('480).

10. The remaining references cited on the PTO-892 and the reference cited on the PTO-1449 show art of interest.

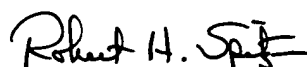
11. Applicants' response to this Office action should also include the following editorial changes: on Fig. 1, there is no description in the specification of number "105"; para. [0006], line 1, "is" should be "are"; para. [0026], line 7, "at conclusion" should be "at the conclusion"; para. [0029], line 10, "thorough" should be "through"; para. [0037], line 2, "of" should be inserted after "breakthrough", and in line 7, "he" should be "the"; and, in para. [0075], line 3, "filing" should be "filling".

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H. Spitzer whose telephone number is (571) 272-1167. The examiner can normally be reached on Monday-Thursday from (5:30AM-4:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 6, 2005

  
Robert H. Spitzer  
Primary Examiner  
Art Unit 1724  
June 6, 2005